27

Previous references

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File No. 198 of

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Serial Nos. 1—8

(~~Courts~~)

Police

Later references.

Police 123 of 08. Slo 192
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Rel 142-357 (1-9)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 8

Part B. for Dec. 07

SUBJECT:

Rules regarding fees to be paid for expert opinion regarding finger prints in civil cases.

Table of Contents.

From the I. G. of Police No 8599 dt 5.6.07
913

Recommends that the rules in force in the Punjab levying fee of 10 Rs for expert opinion in finger prints may be adopted mutatis mutandis in the State

To the Registrar, Chief Court No 9320 dt 11.6.07
Calls for the opinion of the Chief Court on the above.

G. R. S. 58

From the Registrar, Chief Court No 6-50/324 dt 27.6.07
States that the identification of finger prints in ...

that if, however, charging fee is necessary it seems sufficient as the area of the Mysore State is much smaller than the Punjab and that as the applications are likely to be very few the intervention of the Dt. Judge does not seem necessary.

To the I. G. of Police (No J 22 Dt 2-7-07)

Calls for his remarks on the opinion of the Chief Court.

From the I. G. of Police in Mysore (No. 200/13 Dt 8-7-07)

States that a fee of Rs 5/ suggested by the chief court seems to be fair.

To the Registrar, chief court. (No J 416 Dt 7-8-07)

Enquires whether the chief court will issue a rule of practice on the lines of the draft notification

From the Registrar, chief court. (No 501/129 Dt 30-8-07)

Forwards a revised draft notification & states that a rule of practice will be issued on approval of the same

To the Registrar, Chief / The I. G of Police (No J 1651-2 Dt 28-11-07)

Approves of the draft notification received from the Chief Court.

G.R.S. 11] 190 7.

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 19876

FILE HEADING.

Rules regarding fees to be paid for expert opinion regarding finger Prints in Civ Cases

From

The I. G. of Police in Mysore

No. 8579/913 Dated 5.6.07 Received 6.6.07

Diary No. T3026	Enclos. 1	Spare Copies. --	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Recommends that the rules in force in the Punjab levying a fee of Rs 10 for expert opinion in the matter of finger prints may be adopted mutatis mutandis in the State.

NOTES AND ORDERS.

1 Subo. for orders with a draft to the Registrar, Chief Court.

8/6/07

B. G. 8.6.07.

8/6/07

Passed 8/6

Notes—First sheet.

GPB -30,000—20-3-06.

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 198 of 1906-07

Serial No.

2 To
The Registrar, Chief Court no. J 3701 D/11.6.07
Calls for the opinion of the Chief Court in the matter.

3 From
The Registrar, Chief Court. no. 6530/324 D/ 27.6.07
States that the identification of finger Prints is not likely to come into practical use for a long while yet; that if, however, charging fees is necessary, Rs 5 seems sufficient as the area of the Empire State is much smaller than that of the Punjab; and that as the applications are likely to be very few the introduction of the Act proper does not seem necessary
3 Subo. for orders. The Chief
3.6. 29.6.07 Court's opinion may be forwarded to the
D.I. of Police for remarks.
SN 29/6/07

4 Yes: please put up a draft
Schill 29/6 HRL 29/6

5 Subo. with a draft
letter to the D. I. of Police.
fms 3/7/07
BS. 29.6.07 SN 29/6/07. 6 Issue HRL 29/6

4 To
The D. I. of Police no. J 22 D/ 2.7.07
Calls for his remarks on the opinion of the Chief Court.

NOTE—Contn. sheet

GPB—50,000—25247

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 198 of 1906-07

Serial No. 3

From The I. G. of Police in Mysore no. 206/13.D/ 8-7-07 states that a fee of Rs 5 suggested by the Registrar of the Chief Court seems to be fair.

7 Subo. for orders. If the I.G. 10.7.07 Govt. differs from the opinion of the Chief Court, the matter has to be heard as scheduled

one. SW 11/7/07

8 Submitted to the Secy 11.7.07. H Venkatarao

9 Please put up a set of draft rules embodying the views of the Chief Court.

CRB 12/7

To Put up draft. JWD 12.7.07. JWD

10 Subo. with a draft notification which if approved will be sent I.G. 13.7.07 SW 13.7.07 to the Registrar Ch. Ct. with a covering letter for opinion.

SW 17/7/07

12 To make the Rule more definite, and clear, and unambiguous, a clause is to be added at the end of the first paragraph that when the opinion sought is of the impressions of

NOTE—Contn. sheet

GPB—50,000—25-2-07

more persons than one, a fee at the above rate shall be paid in ~~act~~ respect of the impressions of each one of them. A document may ~~have~~ been executed by more persons than one and a party desirous of obtaining expert opinion may claim to have the document treated as a whole and opinion expressed on every one of the impressions on it, ~~one~~ on a single payment of Rs 5. The addition will tell him clearly that this he cannot do.

Secy). 20.7.07. HWD

13

The ~~book~~ rule if any have to be issued by the Chief Court under Sec 652 Civil P. C. Code. If approved the Draft put up may be forwarded to the Reg' Chief Court with an enquiry whether the Chief Court will issue a rule of practice on those lines. Or Govt may pass orders prescribing a fee of 5 Rs in cases when private persons require ~~the~~ expert opinion regarding finger impressions, & leave

GPB—50/00—25-2-07

Serial No.

it to the Chief Court to issue such rules of practice as may be necessary.

CRB 27/7 JWM

(8th CV) + 2nd CV

35th / 29-7-07

14

The draft rules may be forwarded to the Chief Court as above suggested. I have made a small addition in red ink which I trust is all right

15

2 As we are about it, it seems worth considering whether the existing rule of practice in the Registration Dept of taking impressions of the right thumb is correct or advisable - In cases of Catechemics in hymns, or even in the Registration Dept of Madras I believe the impression is the latter of the left thumb because it is the least in use & thereby the least likely to have been affected by cuts & bruises - If necessary the Lg Dept of Registration may be consulted Sd/- 31/July/07

16

1) Write to the Ch. Ct as above

2) ~~After~~ Write to Lg Dept of Regn.

(This maybe dealt with as a separate file).

18 Put up drafts, ~~proceeding~~ CRB

(2) being dealt with as a separate file 31/7/07

31.7.07 JWM

Note—Contn. sheet

GPB—50,000—25-2-07

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 198 of 1906-07

Serial No.	
	17 (1) Subo. with a draft to the Registrar, Chief Court.
	B.G. 2-8-07 SW 2/8/07 (2) Will be Subd separately
	21 Issue.
	2.8.07. WWS
6	To the Registrar Chief Court no. J 416 D/ 7-8-07.
	Enquires whether the Chief Court will issue a rule of practice on the lines of the draft notification.
	From the Registrar, Chief Court no. 2501/129 D/ 30-9-07
	Observes that under the provisions of the Evidence Act the Courts cannot accept the written opinions of the said experts without their being examined before the court and subjected to cross examination, forwards for approval a draft notification amended accordingly & states that a rule of Bench will be issued on approval of the same.
	22 Subo. for orders.
	B.G. 3.10.07 SW 3.10.07
	23 Is the law in British India the same as it is here or in any way different, and if different, in what respects?
	4.10.07 WWS
	24 Subo. There seems to be

NOTE—Contn. sheet 5

GPB—50,000—26-2-07

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 198 of 1906-07

Serial No.

no difference in the Law of Evidence ~~as~~ between British India and the State. Para 2 of the draft notification ~~dated~~ forwarded by the Chief Court does not seem to be quite in consonance with the preamble thereto ~~Perhaps it is a matter for consideration whether the fee payable under the notification is to be credited to Govt. or whether it should be given to the expert who happens to be a Govt. servant in this case.~~

S.G. 18.10.07 SW 19/10

25 There can be no objection to the ~~two~~ amendments made by the Chief Court in the draft notification. It may be approved.

Secy) 23.10.07. JWW

Is the notn. may be approved & the Chief Court informed accdy

JWW 25/10

Dewan through 1st & 2nd Crs).

6807 7.11.07 4744 26.10.1907 Mysore

NOTE—Contn. sheet.

may be approved

I concur HWK 28/10/07

JWW 7.11

GPB—50,000—17-5-07

G. R. S. 12]
General and Revenue
Secretariat.

Police File No. 198 of 1906-07

Seria No.

30 Draft Rules of Practice approved by Dewan

Lee
15/11

31 Inform Ch. Ct reply (Draftsman)

Hes
16/11.

32 Put up draft
18.11. Hes

33 Submitted with a draft order
Hes
19.11.07

34 Issue
25.11.07. Hes

Police
29/11/07

To the Registrar, Chief Court.
& Inspector General of Police
No J 1651-2 dt 28.11.1907

Approves of the draft notification received from the Chief Court.

35 Submitted to the 1st Councillor for information after issue
Hes
30.11.1907

Police
13/12/07

36 Seen thanks
HM
12/12/07

Note—Contn sheet

CPB—50,000—17-3-07

H 4.6.07 Police

V 3026

file no. 198
sl no. 1

190 -0

FROM

The Inspector-General of Police in Mysore.

To

The Secretary to the Govt. of H. H. the Maharaja of Mysore, Gen. & Rev. Depts.

Dated 5th

Despatched 5th June 1907

Received

General No. 8599
No. 913

Enclosure No. 1

Forwards Extract from the Punjab Police Rules regarding the fee for the expert opinion in the matter of Finger Prints & requests that orders may be issued for the adoption of the Rules in this Province.

GPB—1,000—3-1-07

No. 8599 &/913

OFFICE OF THE INSPECTOR-GENERAL OF POLICE IN MYSORE,

Dated Bangalore, 5th June 1907.

FROM

F. E. C. CARR, ESQ.,
Inspector-General of Police in Mysore.

To

K. S. CHANDRASEKHARA AIYAR, ESQ., B.A., B.L.,
Secretary to the Government of H. H. the Maharaja of Mysore,
General and Revenue Departments.

SIR

I have the honor to forward herewith an extract from the Punjab Police Rules - paras 2 & 3 of rule 1822 - regarding the Finger Print System.

A fee of ₹10/- has been sanctioned by the Government of the Punjab, to be paid in advance in all civil cases in which parties apply to the Finger Print Bureau for expert opinion. Further, to prevent experts in Finger Prints being unnecessarily summoned, certain instructions have been issued to all subordinate Courts, by the Chief Court of the Punjab.

The Finger Print system having been introduced here into the Registration Department, there may be occasions on which the evidence of Finger Print experts may be sought for by private parties, and as a matter of fact in some instances the Bureau Inspector has been already summoned by Courts in criminal cases, on the application of the parties.

It would therefore I think, be better to lay down certain definite rules of conduct in such instances

and

and I would suggest the adoption of the Punjab rules "mutatis mutandis" in this Province.

I request that you will be so good as to place the matter before Government for orders.

I have the honor to be,

Sir,

Your most obedient servant,

Inspector General of Police.

Extract from the Punjab Police Rules - paras 2 & 3 of rule 1822 - regarding Finger Print system.

1822. (2) A fee of ₹10/- has been sanctioned by Government to be paid in advance in all Civil cases in which the parties or any of them, apply to the Bereau for expert opinions in the matter of deciphering finger impressions and other work of a similar character (vide Chief Court Circular letter No. 3505 dated the 23rd September 1903 to the address of all Civil Courts in the Punjab.)

(3) In order to prevent experts in finger prints from being unnecessarily summoned from the Bureau to give evidence in Civil Courts, the following instructions have been issued by the Chief Court in their Circular Memo No. 10-5022 G, dated the 22nd December 1905 :-

(a) Wheever it is possible, exhibits should be sent to Phillaur for the written opinion of the expert.

(b) When it is, in the opinion of the Court, absolute-ly necessary to secure the oral evidence of the expert, the summons should be sent, together with the file of the case, to the District Judge to which the Court is subordinate. The District Judge should satisfy himself before sending the summons to the Officer in charge of the Bureau that the necessity for the attendance of the expert really exists. In such cases the expert fee of ₹10/- should be paid to the Bureau and charged as costs in the case, as well as the travelling allowance of the expert. Where the District Judge is not satisfied that the necessity for the personal attendance of the expert exists, he should return the summons with an endorsement to this effect to the Court which issued it, at the same time explaining the course which should be pursued.

Inspector General of Police.

G.R.S. 26]

a

4 Police

File No. 198

Serial No 2

Diary No. of letter replied to _____

No. 23701
Enq

General and Rev. Secretariat
( )
, *the* 190 .

To

The Registrar, Chief Court.

Date of issue 11-6-07

Signed by [illegible]

Sir

I am forwarding herewith a copy of letter no. 8599/913 dated the 5th June 1907 from the I.G. of Police with a copy of its enclosure, regarding ~~the~~ fees to be levied for expert opinion re finger Prints in Civil Cases, ∧ I am directed to request that the opinion of the Chief Court as regards the ~~proposal of the~~ ~~Govt~~ I.G. of Police ~~Police~~ ~~in~~ ~~Ceylon~~ similar to those referred to therein may be obtained and forwarded at an early date. over.

I have &c
for Secretary

∧ and the summoning of Finger Print experts to give evidence in Court

SUBJECT.

B.G. 8.6.07 SW

STMS

Ent 6.6.07

Nr 6550/24 Police 24/6

5 File 200/198
J 3197 8K 20 3

Bangalore, 27th June 1907.

From

V.A. Rajaratna Mudaliar Esq.,

Registrar, Chief Court of Mysore.

To

C.S. Balasundaram Iyer Esq.,

Offg. Secretary to Government,

General & Revenue Departments.

Sir,

With reference to your letter No.J.3701-Police 198-06-2 dated 11th instant requesting the opinion of the Chief Court regarding fees to be levied for expert opinion re finger prints in civil cases and the summoning of Finger-Print Experts as witness-es, I am directed to state that identification of finger prints is not likely to come into practical use for a long while yet. If, however, charging fees is necessary ₹5 seems sufficient as the area of the Mysore State is much smaller than that of Panjab. It is presumed that the Head Quarters of the establishment is in Bangalore.

As the applications are likely to be very few, the intervention of the District Judge does not seem necessary.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

S.R.

G.R.S. 26]

Police

File No. 98

Serial No 6

Diary No. of letter replied to _____

No. 922

Enel

General and Rev. Secretariat

( )

, the 190 .

To

The I.G. of Police in Mysore

Sir

Date of issue 2.7.07

Signed by [illegible]

With reference to your letter no. 85-22/913 dated the 5th June 1907 regarding the fee for expert opinion in the matter of finger Prints, I am directed to forward herewith a copy of letter no 6550/324 dated the 27th June 1907 received from the Registrar of the Chief Court for favour of your remarks thereon.

Charges &c

29/6

for Secretary

SUBJECT.

Agreed
1/7/07
Confd JW
1/7/07

BT
29.6.07
JW
29/6/07

Received Police J 84

file no. 198
Sl no. 5

190 -0

FROM

The Inspector-General of
Police in Mysore.

To

The Secretary to the Govt. of H. H.
the Maharaja of Mysore,
Gen. & Rev. Depts.

Dated 8'

Despatched 8' July 1907

Received

General No. 200
No. 13

Enclosure No.

---

states that a fee of Rs 5/ for expert opinion in the matter of finger Prints seems fair.

GPB—1,000—3-1-07

No. 200/13

OFFICE OF THE INSPECTOR-GENERAL OF POLICE IN MYSORE,

Dated Bangalore, 8th July 1907.

FROM

F. E. C. CARR, ESQ.,
Inspector-General of Police in Mysore.

To C. S. Balasundaram Iyer Esquire, B.A.,
~~K. S. CHANDRASEKHARA AIYAR, ESQ., B.A., B.L.,~~
Offg. *Secretary to the Government of H. H. the Maharaja of Mysore,*
General and Revenue Departments.

SIR

With reference to your letter No: J. 22-Police 198-06-4 dated 2nd July 1907, I have the honor to state that the fee of ₹ 5/- suggested by the Registrar of the Chief Court for expert opinion in the matter of finger prints seems to me to be fair.

I have the honor to be,

Sir,

Your most obedient servant,

Inspector General of Police.

G.K.S. 26]

8

Police

File No. 198

Serial No 6

Diary No. of letter replied to 1y 84.

No. 3416

Encl

General and Rev. Secretariat

( )

, *the* 190

To

The Registrar, Chief Court of Mysore

Date of issue 7.8.07

Signed by [illegible]

Sir

I am directed to forward herewith a draft notification embodying certain rules regarding the summoning of Finger Point Experts as witnesses in Civil cases and to enquire whether the Chief Court will issue

over.

Typed by Mr. 5th Aug 07

SUBJECT.

9

a rule of practice on the
lines of the said notification.

I have &c.

WWP.

For Secretary

B.G. 2807 14/2/07

List of enclosures,

Copied by

Examined by

MGCPB—20,000-19-12—04.

G.R.S. 26]

File No.

Serial No

Diary No. of letter replied to _____

No.

General and Rev. Secretariat

( )

, *the* 190

Date of issue _____

Signed by _____

To

Draft Notification

In exercise of the powers conferred by Section 652 of the Civil Procedure Code and with the approval of the Govt. of Mysore, the Chief Court are pleased to lay down the following rules in respect of expert evidence regarding Finger Prints in civil cases, for the guidance of civil Courts subordinate thereto:-

1. A fee of Rs 5 to be paid in advance in all civil cases in which the parties or any of them apply to the Finger Print Bureau

over.

SUBJECT.

for expert opinion in the matter of deciphering finger impressions and other work of a similar character. When the opinion sought is regarding finger impressions of more persons than one, a fee at the above rate shall be paid in respect of the impression of each person, except that when all the persons in question are concerned in one & the same case the full fee shall be payable for the first person & half fees for each additional person —

2. In order to prevent experts in Finger Prints from being unnecessarily summoned from the Bureau to give evidence in civil courts exhibits should be sent, whenever possible, to Bangalore for the written opinion of the expert. When, however, it is in the opinion of the court absolutely necessary to secure the oral evidence of the expert, summons for his attendance may be issued to the officer in charge of the Bureau. In such cases the expert fee of Rs 5 should be paid to the Bureau and charged as costs in the case, as well as the travelling allowance, if any, of the expert.

List of enclosures,

Copied by

Examined by

B. O.

MGCPB—20,000-19-12—04.

Police
No 2501 Misc.
Dt. 29

Bangalore, 30th September 1907

J 926

File no. 198
Sl no. 7

From,

V. P. Rajaratna Mood. Esqr.
Registrar of the Chief Court of Mysore.

To

S. S. Balasundaram Iyer Esqr
Offg Secretary to the Govt. of Mysore,
Genl: + Rev: Departments.

Sir,

Adverting to your letter no. J 416 - Police 198-06 dated 7th ultimo, forwarding a draft notification embodying certain rules regarding the summoning of finger Print experts as witnesses in Civil Cases and enquiring whether a Rule of Practice will be issued on the lines of the notification, I am directed to state that, under the provisions of the Evidence Act, as it now stands, the Courts cannot accept the written opinions of the said experts without their being examined before the Court and subjected to cross-examination. The only case in which written opinions experts can be filed in evidence without their being examined as witnesses is that contained in Section 510, Criminal Procedure Code. No such special rules of evidence have been enacted by the Legislature as regards the opinions of other experts. The

notification

notification, therefore needs in the opinion of the Chief Court, alteration in this respect and I am forward for the approval of Government a draft of a notification amended in accordance with the above observations on receiving intimation of its approval, a Rule of Practice will be issued.

I have the honor to be,

Sir,

your most Obedient Servant;

Registrar

mlw

Draft Notification

In exercise of the powers conferred by Section 65-2 of the Civil Procedure Code and subject to the rules concerning the production and admissibility of evidence contained in the Evidence Act or any other Law for the time being in force, and with the approval of the Government of Mysore, the Chief Court is pleased to lay down the following rules in respect of expert ~~ex~~ evidence regarding finger prints in civil cases, for the guidance of Civil Courts subordinate thereto:-

I. A fee of Rs 5/- should be paid in advance in all civil cases in which the parties or any of them desires to apply for expert-opinion from the Finger Print Bureau in the matter of deciphering finger impressions and other work of a similar character. When the Opinion sought is regarding the finger impressions of more persons than one, a fee at the above rate shall be paid in respect of the impressions of each person, except that when

all

all the persons in question are concerned in one and the same case the full fee shall be payable for the first person and half fee for each additional person.

2 In order to prevent experts finger prints from being unnecessarily summoned from the Bureau to give evidence in civil Courts, exhibits should be sent whenever possible, to the Bureau at Bangalore for the written opinion of the expert; and summons for the attendance of the expert should be issued to the officer in charge of the Bureau only when the Court is satisfied that such evidence is absolutely necessary for the case. In such cases, the expert fee of Rs 5/- should be paid to the Bureau and charged as costs in the case, as well as the travelling allowance, if any, of the expert.

G.R.S. 28]

Price File No. 198-06
Serial No 8.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, the 190

Date of issue 28-11-1907

Signed by Mr K Nagar Rao

READ— Letter No 8579/913 dated the 5th June 1907 from the Inspector General of Police in Mysore forwarding an extract from the Punjab Police Rules — paras 2 & 3 of Rule 1822 — regarding the obtaining of expert opinion on finger impressions and the admissibility of finger print experts as witnesses in Civil Cases.

(2) Correspondence ending with letter No 2501/129 dated the 30th September 1907 from the

over

ORDER THEREON. No.

SUBJECT

Registrar of the Chief Court of Mysore forwarding for the approval of Govt a suitable draft notification with suitable alterations

Order thereon No J. 1651-52 & 28/11/1907
Police 198-06-8

Her Govt of H. H. the Maharaja of Mysore are pleased to approve of the following Rules of Practice which will be issued as such by the Chief Court

(Here enter the Draft Notification received with SI No 7. as altered)

[illegible]
for Secretary

Dft Regs 22/11/07 Jo

SH 22/11/07

The Registrar, Chief Court of Mysore.

H. J. of Police in Mysore.

27/11

27/11/07